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2.26.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: 37945-0018

Applicant: Angus George DALGLEISH *et al.* Confirmation No. 6462

Appl. No.: 09/857,691 Examiner: M. Davis

Filing Date: September 5, 2001 Group Art Unit: 1642

Title: USE OF HUMAN PROSTATE  
CELL LINES IN CANCER  
TREATMENT

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

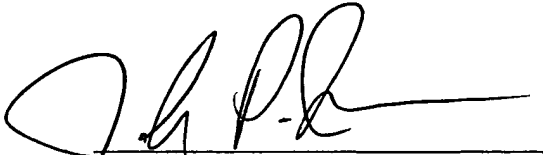
In response to the office action mailed January 15, 2003 (Paper No. 9), applicants hereby elect with traverse the claims of Group II, namely claims 1, 11 and 12. Applicants also elect with traverse the following species: (1) induction of a decrease in the rate of rise in the level of serum PSA in prostate cancer patients or induction of a decline in the level of serum PSA in prostate cancer patients, and (2) a mycobacterial-based adjuvant, which includes BCG and M. Vaccae.

Applicants traverse the requirement on the basis that it improperly applies a "factorial" approach to applicants' Markush groups in order to arrive at a number of inventions in excess of 14 million. Such an approach would penalize applicants for using the long-accepted Markush claiming format. See MPEP § 2173.05(h) (August 2001). Accordingly, applicants respectfully request withdrawal of the requirement and examination of all of the claims.

A first office action on the merits is awaited.

Respectfully submitted,

February 14, 2003

  
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